

HOUSE BILL 814

By Clemmons

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

**49-2-136.**

(a) In order to evaluate the impact of the COVID-19 pandemic on students' mental and behavioral health and any resulting learning loss experienced by students due to school closures, the department shall direct each local board of education and public charter school governing body to develop a plan to conduct mental health screenings and behavioral health screenings on each student in kindergarten through grade eight (K-8) during the 2021-2022 school year.

(b) Mental health screenings and behavioral health screenings administered pursuant to this section must be conducted in accordance with § 49-2-124, and all other state and federal laws.

(c) Local boards of education and charter school governing bodies shall adopt policies that are reasonable and necessary to ensure implementation and enforcement of this section.

(d) Prior to a student's participation in a mental health screening or behavioral health screening conducted pursuant to this section, an LEA or charter school must notify a student's parent of the screening in writing and obtain the parent's consent to the screening as described in § 49-2-124(b)(1). The written notice must include:

- (1) The purpose for the screening;
- (2) The provider or contractor providing the screening;
- (3) The date and time at which the screening is scheduled;
- (4) The length of time the screening may last; and
- (5) Notice that written, informed, active, voluntary consent given by the

parent pursuant to this subsection (d) may be withdrawn at any time.

(e) Pursuant to § 49-1-704, a parent has the right to inspect and review the parent's child's education records.

(f) As used in this section:

(1) "Behavioral health screening" means a method by which school personnel determine if a student is at risk for not meeting grade level standards;

(2) "Mental health screening" has the same meaning as defined in § 49-2-124; and

(3) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001.

SECTION 2. Tennessee Code Annotated, Section 49-3-359, is amended by adding the following language as a new subsection:

(e) In order to provide adequate staffing and resources to evaluate the mental and behavioral health of students in kindergarten through grade eight (K-8), pursuant to § 49-2-136, the BEP formula must include:

(1) An amount of money sufficient to fund one (1) full-time school psychologist position for each two thousand five hundred (2,500) or fewer students; and

(2) An amount of money sufficient to fund one (1) full-time school social worker position for each two thousand (2,000) or fewer students.

SECTION 3. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. Subject to appropriation, it is the intent of this general assembly that any available federal funding provided to the state through the CARES Act be used to fund this act.

SECTION 5. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.